IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20589 of 2004

Between:

1. Sathi Rama Reddy, s/o Achuta Rama Reddy,
   r/o Konkuduru, Biccavolu Mandal, E.G.District.
2. V.V.V.S.Subba Rao, s/o V.V.B.Rao,
   r/o Konkuduru, Biccavolu Mandal, E.G.District.

..... PETITIONERS

AND

1. The Superintending Engineer, A.P.Eastern Power Distribution Co.Ltd.,
   Rajahmundry, E.G.District.
2. Divisional Engineer, A.P.Eastern Power Distribution
Co.Ltd.,(Operations) Ramachandrapuram, E.G.District.
3. Asst.Engineer, A.P.Eastern Power Distribution Co.Ltd., (Operations),
   Biccavolu, E.G.District.
4. Sri Srinivasa Rice Mill, rep., by its Proprietor Ch.Ramakrishna Reddy,
Konkuduru Village,E.G.District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate writ, order or direction, preferably a writ in the nature of mandamus declaring the action of the respondents in proposing to lay an express Electrical Line through the lands of the petitioners in R.S.No.157/4, 162/2 etc. of Konkuduru Village, Biccavolu Mandal, East Godavari District without considering the objections dt.1-11-2004 as arbitrary, illegal and violative of fundamental rights guaranteed under Constitution of India and consequently direct the respondents to drop further proceedings in this regard.

Counsel for the Petitioners:MR.T.V.S.PRABHAKARA RAO

Counsel for the Respondent Nos.1 to 3: SMT.M.VINOBHA DEVI

Counsel for the Respondent No.4 : Mr.K.V.BHANU PRASAD

The Court at the stage of admission made the following :

ORDER:

The petitioners seek a writ of Mandamus declaring the alleged action of the respondents in proposing to erect an electrical line through the land of the petitioners in R.S Nos.156/2, 157/4, 162/2, 163/1 and 244 of Konkuduru village, Biccavolu Mandal, East Godavari District, as arbitrary and illegal.

The petitioners claim to be in possession of the lands in R.S.Nos. 156/2, 174/4, 162/2, 163/1 and 244 of Konkuduru village, Biccavolu Mandal, East Godavari District and have been carrying on agricultural operations. The grievance of the petitioners is that at the instance of the fourth respondent rice mill, the respondents 1 to 3 are taking steps for erecting electrical polls and to lay electrical lines across the lands of the petitioners. It is stated that though the petitioners raised objections by filing a detailed representation dated 01.11.2004, the respondents have failed to take the same into consideration and proceeding with the erection of the electrical lines. Hence this writ petition.

Heard the learned counsel for the petitioner and Smt.M.Vinobha Devi, learned Standing Counsel appearing for the respondents 1 to 3 and perused the material on record.

Having regard to the facts and circumstances of the case and since it is represented by the learned counsel for the petitioners that the respondents have not yet erected the electrical polls, I deem it appropriate to dispose of the writ petition with a direction to the respondents 1 to 3 to consider the objections raised by the petitioners in their representation dated 01.11.2004 and to pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of one week from the date of receipt of this order.

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17-11-2004

Note : Furnish C.C. in two days.

(B/O)

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To

1. The Superintending Engineer, A.P.Eastern Power Distribution Co.Ltd., Rajahmundry, E.G.District.
2. Divisional Engineer, A.P.Eastern Power Distribution Co.Ltd.,(Operations) Ramachandrapuram, E.G.District.
3. Asst.Engineer, A.P.Eastern Power Distribution Co.Ltd., (Operations), Biccavolu, E.G.District.
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